

FIRST APPEARANCE ACTION FORM

CASE: 2025 115677 MMDL
STATE OF FLORIDA
VS

FIRST APPEARANCE DATE: 10/3/2025

JL CRDT: 1 DYS

GABRIELLE DAWN FRANZE
SPN: 998686
BKG#: 1166974

VCCF VCCF-NW-D-07-U
The defendant was advised of his/her rights and furnished a copy of the complaint.
The court has examined the sworn complaint and hereby finds and orders:

LAURA E. ROTH
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA
P.O. BOX 6043
DELAND, FL 32721-6043

ATTORNEY STATUS		SPECIAL RELEASE CONDITIONS	
☒ Defendant Indigent - PD appointed		No contact with victim(s), witness(s), & co-defendant(s) - <i>See separate order</i>	Do not consume alcohol
☐ Defendant not Indigent - to retain counsel		No violent contact with victim(s) - <i>See separate order</i>	Do not use drugs without a valid prescription
<u>John Terhune Esq.</u>		Do not possess firearms/weapons	Random urinalysis

CT (S)	CHARGE	STATE ATTORNEY/PLEA ACTION	JUDGMENT AND SENTENCE
	STALKING	STATE ATTORNEY ACTION	
	Probable Cause Found	Charge Amended to:	Adjudicated Guilty ☐ Withhold Adj. of Guilt ☐
	PC Undet.- ☐ Review 72 hours ☐ Review 96 hours ☐	No Information	days VCJ. less days credit
	Insufficient PC	PLEA ACTION	Consecutive ☐ Concurrent ☐ to:
	ROR	Guilty Plea	\$223.00 Misdemeanor \$575.00 Misd.Asslt.& Battery
	PTR (Supervised Release - <i>See separate order</i>)	Nolo Plea	\$256.00 Misd.(violation §316) \$406.00 Misdemeanor DUI
			\$238.00 Misd.Drug & Alcohol \$5000.00 Prostitution
			\$ Other Fine/Cost Due by:
	BOND SET AT \$		
	STALKING	STATE ATTORNEY ACTION	
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	PC Undet.- ☐ Review 72 hours ☐ Review 96 hours ☐	No Information	days VCJ. less days credit
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			\$ Other Fine/Cost Due by:
	BOND SET AT \$		

Defendant Address Change/Verification: _____

LAURA E. ROTH, CLERK OF THE CIRCUIT COURT

Filed in Open Court this 03 day of October, 2025

Done and Ordered in Volusia County, Florida this 03 day of October, 2025

DEPUTY CLERK IN ATTENDANCE

ASSISTANT STATE ATTORNEY

PRESIDING JUDGE

Copy Distribution: Court File (original) - Booking - State Attorney - Defense Attorney/Defendant

PAYMENT INFORMATION

Payments to the Clerk's Office (Non-Probation Cases)

All payments of court-imposed fines/costs/fees; must be paid by cash, check, or money order by U.S. dollars, payable to the "Clerk of Court" at one of the locations listed below. To ensure proper credit you must include your name and case number with your payment.

PAYMENTS MAILED DIRECTLY TO THE CLERK'S OFFICE SHOULD BE MAILED TO:

VOLUSIA COUNTY CLERK'S OFFICE
MISDEMEANOR/TRAFFIC DIVISION
POST OFFICE BOX 6043
DELAND, FL 32721-6043

IMPORTANT NOTICE

Fines/Costs/Fees may be converted to a civil judgment against you, if not paid as ordered WITHOUT FURTHER HEARING OR NOTICE. Failure to pay as ordered may result in the suspension of your Florida Driver's License. Fines/Costs/Fees which remain unpaid for 90 days or more may be turned over to a collection agency for further action, including but not limited to, garnishment of wages and a lien placed on a non-homestead property owned by you, and an additional collection fee.

If you are ordered into a payment plan you must report to the Clerk's Office within 24 hours at one of the locations listed below.

Misdemeanor/Traffic Division-Rm. B155
101 N. Alabama Avenue
DeLand, FL 32724

Misdemeanor/Traffic Division-Rm. 109
125 East Orange Avenue
Daytona Beach, FL 32114

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
1. Left Thumb	2. Left Index	3. Left Middle	4. Left Ring	5. Left Little

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the Defendant, and that they were placed thereon by the Defendant in my presence this _____ day of _____, 20_____.

Court Officer/Authorized Employee

J. [REDACTED]

Filing # [REDACTED] E-Filed 10/10/2025 04:10:29 PM

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO. 2025115677MMDL

STATE OF FLORIDA

VS.

GABRIELLE DAWN FRANZE

NOLLE PROSEQUI

The State of Florida, by and through the undersigned Assistant State Attorney, announces and hereby files this, its NOLLE PROSEQUI with respect to the above-styled case now pending in this Court; and by said action, the following charge(s) are dismissed:

DOMESTIC VIOLENCE STALKING
DOMESTIC VIOLENCE STALKING

Dated October 10, 2025, at Deland, VOLUSIA County, Florida.

POLICE DEPARTMENT NO. VCSO/VF [REDACTED]

s/JENIFER WHITE

ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 1054123
101 North Alabama Avenue
Deland, FL 32724
(386) 822-6400
eservicevolusia@sao7.org

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NUMBER: 2025115677MMDL

STATE OF FLORIDA

VS.

GABRIELLE DAWN FRANZE

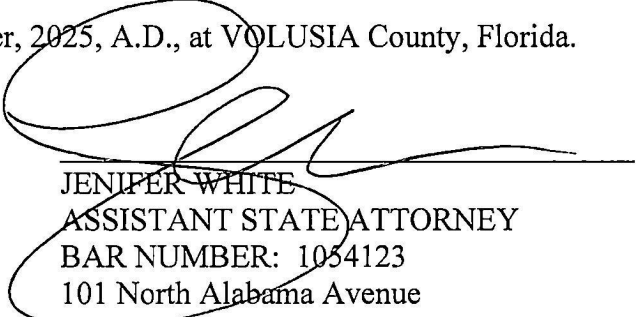
A DEFENDANT

ANNOUNCEMENT OF NO INFORMATION

The State of Florida, by and through its undersigned Assistant State Attorney, announces and hereby files a No Information or intent not to prosecute with respect to the following charge(s):

784.048(2) - DOMESTIC VIOLENCE STALKING
784.048(2) - DOMESTIC VIOLENCE STALKING

Dated this 14 day of October, 2025, A.D., at VOLUSIA County, Florida.


JENIPER WHITE
ASSISTANT STATE ATTORNEY
BAR NUMBER: 1054123
101 North Alabama Avenue
DeLand, FL 32724
(386) 822-6400
eservicevolusia@sao7.org

PHYSICAL EVIDENCE: VCSO/VP250020260

____ IS NO LONGER NEEDED FOR COURT AND MAY BE DISPOSED OF
ACCORDING TO LAW.

x HOLD FOR FURTHER COURT PROCEEDINGS AND/OR INSTRUCTIONS.



Florida Department of
Law Enforcement

J. Mark Glass
Commissioner

Ron DeSantis, Governor
James Uthmeier, Attorney General
Blaise Ingoglia, Chief Financial Officer
Wilton Simpson, Commissioner of Agriculture

January 23, 2026

Volusia Sheriff's Office
Internal Affairs
123 W. Indiana Avenue, 4th Floor
DeLand, FL 32720

Re: [REDACTED]

Dear Requestor:

The Florida Department of Law Enforcement (FDLE) is in receipt of a request from your office to administratively expunge the following criminal record:

State Identification Number (SID):	98869708
Offender Based Tracking System (OBTS):	6406137421
Name:	[REDACTED]
Date of Arrest:	10/03/2025
Arresting Agency:	Volusia Sheriff's Office
Charges:	Follow Harass Cyberstalk Another

As of January 23, 2026, these charges have been administratively expunged from FDLE's criminal history record database as authorized by law. The administrative expunction of this arrest data at the state level also expunges that data from the Federal Bureau of Investigation's criminal history database. This process does not expunge the record from judicial (local court) records.

If you have any questions or require further assistance, please contact the Biometric Services Section, at (850) 410-7930. When calling, please make reference to case # CS-30157572.

Sincerely,

Biometric Services Section
Crime Information Bureau
Florida Department of Law Enforcement
MR

Michael Vanzo

From: Michael Vanzo
Sent: Friday, March 27, 2026 12:05 PM
To: White, Jenifer
Cc: Benjamin Gordon
Subject: Re: [REDACTED] Case question

Thank you Jenifer.

Yes absolutely. We are conducting an administrative investigation into the incident. My questions are to just better understand the legal conclusion.

If you have any other questions don't hesitate to ask. I appreciate the help.

-Sgt. Vanzo

From: White, Jenifer <WhiteJ@sao7.org>
Sent: Friday, March 27, 2026 11:34 AM
To: Michael Vanzo <MVanzo@volusiasheriff.gov>
Cc: Benjamin Gordon <BGordon@volusiasheriff.gov>
Subject: RE: [REDACTED] Case question

WARNING

This email originated outside of the Volusia Sheriff's Office. Please use caution when opening attachments, clicking links, or responding to this email.

Sure. If she were to be cited for something like littering, being arrested would be sufficient punishment. "Arrest sufficient" is not a legal conclusion its more of an additional reason for the dismissal. It could have been dismissed either way but I include every possible reason.

May I ask why this case is still being discussed? Are there issues I should be aware of?

Thank you,

Jenifer L. White

Assistant State Attorney 1054123

(386)822-6400

Office of the State Attorney, 7th Judicial Circuit

101 N. Alabama Ave.

Deland FL 32724

LEGAL NOTIFICATION: Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the State Attorney's Office of Circuit 7 are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by electronic mail and delete this message.

From: Michael Vanzo <MVanzo@volusiasheriff.gov>
Sent: Friday, March 27, 2026 11:20 AM
To: White, Jenifer <WhiteJ@sao7.org>
Cc: Benjamin Gordon <BGordon@volusiasheriff.gov>
Subject: Re: [REDACTED] Case question

Good morning Jenifer,

Could you please clarify what is meant by "arrest sufficient," especially given that the judge at first appearance found insufficient probable cause? I'm just trying to better understand how those findings align with each other.

Thank you so much for the help!

-Sgt. Vanzo

From: Michael Vanzo
Sent: Tuesday, January 13, 2026 3:03:34 PM
To: White, Jenifer <WhiteJ@sao7.org>
Subject: RE: [REDACTED] Case question

From: White, Jenifer <WhiteJ@sao7.org>
Sent: Tuesday, January 13, 2026 2:27 PM
To: Michael Vanzo <MVanzo@volusiasheriff.gov>
Subject: RE: [REDACTED] Case question
Importance: High

WARNING

This email originated outside of the Volusia Sheriff's Office. Please use caution when opening attachments, clicking links, or responding to this email.

Good afternoon,

No, I did not consult with anyone, other than the victims, about this case prior to making that decision.

The charges came through as 2 counts of Domestic Violence Stalking.

The first issue is with [REDACTED]. Having never lived with the Def this could not be domestic in nature.

The next issue is stalking in general. This was 1 isolated incident.

The next issue is "follows, harasses, or cyberstalks"- she did not follow or cyber harass (not that was brought to my attention) leaving harass as the only option.

784.048(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

"Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.

Having decided stalking would not work I looked at criminal mischief. There was no damage so that does not fit. The only other option is littering which is non-criminal.

The defendant has no prior record so I dropped it as arrest sufficient.

I did let the victim(s) know if there is anything aside from this one isolated incident, they should let me know.

Thank you,

Jenifer L. White

Assistant State Attorney 1054123

(386)822-6400

Office of the State Attorney, 7th Judicial Circuit

101 N. Alabama Ave.

Deland FL 32724

LEGAL NOTIFICATION: Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the State Attorney's Office of Circuit 7 are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by electronic mail and delete this message.

From: Michael Vanzo <MVanzo@volusiasheriff.gov>

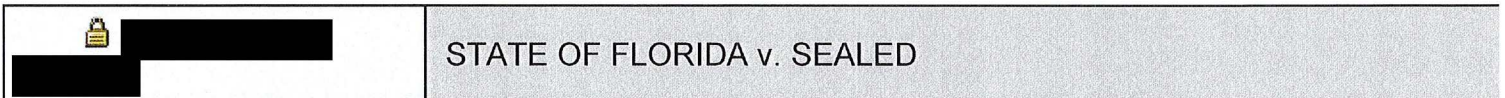
Sent: Tuesday, January 13, 2026 11:06 AM

To: White, Jenifer <WhiteJ@sao7.org>

Subject: [REDACTED] Case question

Good Morning Ms. White,

I'm trying to better understand the below case timeline, but since the case has been sealed I'm unable to view the file. I was hoping you could let me know whether there was any follow-up communication with the SAO and the arresting deputy between the initial first appearance on 10/03/2025 and the decision to nolle prosequi on 10/10/2025.



Volusia Sheriffs Office case # 250020260

Defendant: [REDACTED]

Deputy Royce James

Thank you so much for your time and if you have any questions please don't hesitate to ask.

-Sgt. Vanzo



Cynthia Corlin
P.A.

LITIGATION LAW FIRM

1824 E. Robinson Street, Orlando, FL 32803 • Tel. 407-965-5519 • Fax 407-545-4397

February 3, 2026

Morgan S. Rhodes
2376 Captain Dr.
Deltona, FL 32738
morgansrhodes@gmail.com

Via Certified Mail No. 9414836208551294554023, Regular Mail, and email

Re.: Cease and Desist and TAKE DOWN Demand, with Fla. Stat. § 770.01 Notice of Defamation: Our File No. 01947-Franze

Dear Ms. Rhodes,

This law firm has been retained by **Ms. Gabrielle Franze** to assist in potential legal claims against you. Please direct all communications for Ms. Franze to our office.

Ms. Franze is a decorated young firefighter who has spent years building a positive reputation. However, she discovered you have been making false and derogatory statements about her on a number of social media platforms.

Section 770.01, Florida Statutes, requires that, "[b]efore any civil action is brought for publication or broadcast, in a newspaper, periodical, or other medium, of a libel or slander, the plaintiff shall, at least 5 days before instituting such action, serve notice in writing on the defendant, specifying the article or broadcast and the statements therein which he or she alleges to be false and defamatory." § 770.01, Fla. Stat. This letter is not only intended to satisfy this statutory prerequisite, but also as an attempt to resolve the issues without my client having to resort to a civil action.

Basic Facts

On or about September 29, 2025, Ms. Franze allegedly drove by the home of Joseph Coluccio, onto which front yard her mother and aunt allegedly tossed tampons. The tampons contained no bodily fluids but rather had been stained red as part of a harmless prank. Moreover, Gabrielle Franze neither formulated the idea nor participated in any tampon-coloring or tampon-tossing.

On or about October 3, 2025, you reportedly flagged down a sheriff's deputy and reported

the incident, naming Ms. Franze as a prime suspect. Based on this information, Ms. Franze was arrested and charged with two counts of misdemeanor stalking after you reported her to the police.

It was soon, however, determined that there had been no probable cause for the arrest, and the charges against Ms. Franze were promptly dropped. Unfortunately, however, media outlets were alerted to the incident, and what resulted was a sensationalized volume of news and social media content, all of which was directed toward Ms. Franze, some of which suggested she saved, then tossed her own used and bloody tampons.¹

Despite the dropped charges, you have posted a number of statements on various social media platforms about Ms. Franze. The statements in your posts, as noted in more detail below, are false and defamatory and causing our client damages, including but not limited to injured reputation and mental anguish.

On or about October 3, 2025, you posted the following to Facebook, originally tagging Ms. Franze in the post and identifying her employer and profession:

On Monday, September 29th, 2025, Orange County firefighter/paramedic [Gabbi Franze](#)² along with her mother Dawn Franze and her aunt, drove past the house that [Joe Coluccio](#) and I share and threw over 100+ bloody tampons³ into our yard and driveway. What they didn't know is our cameras caught every second of it.

Firefighters are supposed to stand for honor and integrity—yet she chose to do something like this, and was arrested for stalking. That's how you ruin a badge and a reputation.

A huge thank you to the [Volusia Sheriff's Office](#) for their help and support with this disgusting and disturbing case. Your dedication and professionalism made a difficult situation a lot easier to handle.⁴

Throughout various edits updating the post, you further identified Ms. Franze as Mr. Coluccio's "ex girlfriend." In another edit, you expressly tagged Ms. Franze's employer,

¹ See, e.g., CAFEMOM, *Police Say Firefighter Threw 75 'Possibly Used' Tampons on Ex's Front Lawn in Bizarre Revenge Scheme*, <https://cafemom.com/news/police-say-firefighter-threw-possibly-used-tampons-on-exs-front-lawn>; BREAKFAST CLUB video mentioning the reported arrest and referencing how "blood" can be "used in ritual practices" to "create a strong connection to the target" when "putting a spell on a person," <https://www.facebook.com/reel/1496131441535133>

² Later that day, you removed the tag and changed "Gabbi Franze" to "Gabrielle Franze." You also quickly inserted that Ms. Franze was "Joe's ex girlfriend."

³ Later that day, you edited the comment from "bloody tampons" to "tampons with suspected blood."

⁴ Facebook, <https://www.facebook.com/morgan.rhodes.90/posts/pfbidotzApPDbDBueWPFrCNEVucozD6hpCkKg12T1DM4D9rai3jhG9PKkgZQDMLsC6dkXgl>

"Orange County Fire Rescue Department, Florida," ensuring that it would see your statements.

As of the date of this letter, your Facebook post has received over a hundred reactions, 32 comments, and four shares. Of those comments, several included the following:

"Ew like why. That's such a health hazard too, I hope you didn't have to clean that up."

"Wow.. you're correct. That's absolutely disturbing. She needs a mental health check. Like wtf is wrong w/ her, her mother, & her aunt. All 3 of them have the crazies. & not in a silly poking fun way. Legitimately, that's disgusting. & not only that, she's a FF/PMD. Such a disgrace. & she owns her own dog training business. Wtf. Good on you for having cameras! Hopefully this experience for her, helps her get her act together & allows her to receive the help she truly needs whether it's medication, therapy, or whatever else she may need. Sorry you & your partner had to experience this. Hopefully the arrest ends whatever shenanigans you guys have been experiencing once and for all."

"This is beyond 'crazy'. This is mental instability. To fixate, stalk, and plan something like this? It's insanity."

"100+ tampons is CRAZYY. Sounds like witchcraft. Was that infected blood??? Could be attempted murder if it was infected with something! So many questions that need answers. I'm sorry for that girl. The world is going ape shit crazy. I'm praying a prayer of peace and protection over you both and may God handle that."

That Facebook post was linked to, and you were also quoted in, a web article as follows:

Morgan Rhodes, who claimed to be a victim of the gross crime, shared on Facebook in a post that has since been made private that Franze allegedly "threw over 100+ tampons with suspected blood on them into our yard and driveway."

Rhodes expressed her disgust with the incident and with Franze's alleged actions. "Firefighters are supposed to stand for honor and integrity — yet she chose to do something like this, and was arrested for stalking," she wrote in her post. "That's how you ruin a badge and reputation."⁵

Your Facebook post was also quoted in, and linked to, an article in the New York Post,

⁵ CAFEMOM, *Police Say Firefighter Threw 75 'Possibly Used' Tampons on Ex's Front Lawn in Bizarre Revenge Scheme*, <https://cafemom.com/news/police-say-firefighter-threw-possibly-used-tampons-on-exs-front-lawn>

reading: "Morgan Rhodes, a woman who identified herself as the new girlfriend, [blasted Franze on Facebook Friday](#), claiming she 'threw over 100+ tampons with suspected blood on them into our yard and driveway.'" It further quoted: "Firefighters are supposed to stand for honor and integrity — yet she chose to do something like this, and was arrested for stalking," Rhodes wrote. "That's how you ruin a badge and reputation."

On the same day, you posted the same message into a "story" on Instagram, which featured Ms. Franze's photo as well as the following statements displayed in white text on a black background:

On Monday, September 29th, 2025, Orange County firefighter/paramedic [@luckyviable](#) (Gabbi Franze) along with her mother Dawn Franze and her aunt, drove past the house that Joe Coluccio and I share and threw over 100+ bloody tampons into our yard and driveway. What they didn't know is that our cameras caught every second of it.

Firefighters are supposed to stand for honor and integrity— yet she chose to do something like this, and was arrested for stalking. That's how you ruin a badge and a reputation.

Both the Facebook and Instagram publications accuse Ms. Franze of throwing "bloody tampons" or "tampons with suspected blood" onto your yard, which is categorically untrue.

Also on October 3, 2025, you publicly shared to Facebook a page of Ms. Franze's mugshot as aggregated by "Daytona Beach Mugshots,"⁶ which also listed her charges as "2x stalking" and resulted in comments such as "Moron!!!" and "Bitches be crazy," both of which you "reacted" to with a laughing emoji.

Also on October 3, 2025, you publicly shared to Facebook a third story an article posted by WFTV Channel 9, "Arrested Orange County firefighter accused of throwing over 100 tampons into ex's yard."⁷

Also on October 3, 2025, the *Daytona Beach News-Journal* ran a story under the headline "Orange County firefighter, Deltona resident accused of throwing tampons into ex's yard."⁸ The story reasoned, incorrectly, that Ms. Franze "was unhappy because her ex-boyfriend had a new girlfriend." It also quoted you as a source.

On or about October 6, 2025, you made continued reposts of various stories about Ms. Franze's arrest to Instagram, ensuring sustained exposure.

⁶ See <https://www.facebook.com/share/p/1GPG8yxZJx/>

⁷ See <https://www.facebook.com/share/p/1DFyaVTm3z/>

⁸ Patricio G. Balona, *Orange County firefighter, Deltona resident accused of throwing tampons in ex's yard*, DAYONTA BEACH NEWS-JOURNAL (Oct. 3, 2025, 6:36 p.m.) <https://www.news-journalonline.com/story/news/crime/2025/10/03/deltona-woman-accused-of-throwing-tampons-in-exs-yard/86503851007/>

On or about October 6 and 9, on TikTok, you reposted two separate posts from third-party users to your public account, both of which contained photos of Ms. Franze's mugshot and the details of her arrest.

On or about October 14, 2025, you reposted a TikTok from a third-party user on your public account, which contained the statement "How it feels to have his crazy, obsessive, narcissistic ex always on some new bs."

As a result of the publications and republications, Ms. Franze has received unwanted national attention, despite the absence of probable cause. Moreover, her employer became involved, causing temporary negative consequences, likely as a result of your directly tagging it to your posts.

Notice of Defamation (Libel)

Generally, someone who publishes a false statement that harms another person's reputation can be held liable for defamation. *Crestview Hosp. Corp. v. Coastal Anesthesia, P.A.*, 203 So. 3d 978 (Fla. 1st DCA 2016). An action will lie for a false and unprivileged publication that exposes a person to distrust, hatred, contempt, ridicule, or obloquy; or that causes such person to be avoided; or that has a tendency to injure such person in his or her office, occupation, business, or employment. *Blake v. Giustibelli*, 182 So. 3d 881 (Fla. 4th DCA 2016); *Thomas v. Jacksonville Television, Inc.*, 699 So. 2d 800, 803 (Fla. 1st DCA 1997). In other words, such a communication is "defamatory" if it tends to harm the reputation of another as to lower him or her in the estimation of the community or deter third persons from associating or dealing with him/her. *LRX, Inc. v. Horizon Assoc. Joint Venture ex rel. Horizon-ANF, Inc.*, 842 So. 2d 881 (Fla. 4th DCA 2003).

Where the statements, when considered alone without innuendo: (1) charge that a person has committed an infamous crime; (2) charge a person with having an infectious disease; (3) tend to subject one to hatred, distrust, ridicule, contempt, or disgrace; or (4) tend to injure one in his trade or profession, they are actionable *per se*, which means the pleader need not allege specific damages to state a cause of action. *Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953) (citations omitted); *see also Scott v. Busch*, 907 So. 2d 662, 667 (Fla. 5th DCA 2005) (where a statement is made that "a person has committed a crime or done something illegal," the defamation is considered "per se," which means the pleader need not allege specific damages to state a cause of action); *Hartley & Parker v. Copeland*, 51 So. 2d 789 (Fla. 1951); *Lawnwood Med. Ctr., Inc. v. Sadow*, 43 So. 3d 710, 727 (Fla. 4th DCA 2010) (quoting *Miami Herald Publishing Co. v. Brown*, 66 So. 2d 679, 680–81 (Fla. 1953)) (General damages for defamation *per se* are "those which the law presumes must naturally, proximately, and necessarily result from the publication of the libelous matter. They arise by inference of law, and are not required to be proved by evidence.").

In the instant matter, you published statements of fact about Ms. Franze that were false, harmful, and presented as true. Those statements were not opinions, exaggerations, or rhetorical insults; they asserted specific conduct that is capable of verification and was, in fact, untrue.

Most significantly, you repeatedly stated that Ms. Franze personally threw "bloody

tampons” or “tampons with suspected blood” onto your yard. Not only is your statement that Ms. Franze threw “bloody tampons” on your yard false, but it also implicates that Ms. Franze’s conduct posed a public safety risk. In truth, the tampons contained no bodily fluids and were artificially stained, and Ms. Franze neither conceived of, prepared, nor threw them. Despite this, you identified her as a participant and attributed the conduct directly to her across multiple platforms, without qualification or uncertainty.

By characterizing the items as “bloody,” you accused Ms. Franze of spreading biohazardous material, which was found to be false. If any reasonable person were to look at the painted tampons found on your yard, they would be easily able to identify that there was no blood present. Nevertheless, you portrayed the alleged conduct as intentional, calculated, and personally carried out by Ms. Franze, accusing her of behavior that is unsanitary, disturbing, and socially repugnant—conduct that would naturally expose her to public contempt and ridicule.

Your framing predictably invited and fueled public outrage. Your post invited a wave of comments reacting with disgust to the notion of real blood, with some implying that Ms. Franze might have some form of infectious disease, including statements such as that’s such a health hazard and was that infected blood. This misrepresentation of facts implied that Ms. Franze committed an infamous and dangerous act, with one commenter even asserting that could be attempted murder if it was infected with something. These reactions demonstrate that your statements were understood by readers as factual assertions, not speculation or hyperbole.

You amplified the defamatory nature of your statements by tying them directly to Ms. Franze’s profession. By identifying her as an Orange County firefighter/paramedic and asserting that she had “ruined a badge and a reputation,” you framed the alleged conduct as evidence of professional dishonor and unfitness. That linkage invited readers to judge her character and competence in her profession based on false factual claims.

You did not limit these statements to a single post. You repeated and republished them on Facebook, Instagram, TikTok, and through media interviews, each time renewing and expanding their reach. You supplied the same false narrative to news outlets, which quoted and attributed the allegations to you directly. These were not passive shares, but affirmative repetitions of the same false claims.

Finally, the lack of probable cause and the prompt dismissal of all charges underscore the falsity of the narrative you promoted. Despite the collapse of any legal basis for the accusations, you continued to publish and republish statements portraying Ms. Franze as guilty of serious misconduct. Under these circumstances, your continued publications could not reasonably be understood as good-faith reporting of events.

Accordingly, because the statements you made about Ms. Franze are false, unprivileged, and expose her to distrust or contempt and cause her to be avoided in the community, they constitute “defamation” and provide Ms. Franze with a cause of action against you. Because the statements allege that Ms. Franze has committed a crime, charge Ms. Franze with having an infectious disease, tend to subject Ms. Franze to hatred, distrust, ridicule, contempt, or disgrace; impute her with dishonesty or suggest she committed a dishonest act; injury is

presumed and the publications are actionable without having to prove any specific damages.

Defamation by Implication

The law of “defamation already recognizes the concept that literally true statements can be defamatory where they create a false impression. This variation is known as defamation by implication and has a longstanding history in defamation law.” *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106-07 (Fla. 2008) (citations omitted). “Defamation by implication arises, not from what is stated, but from what is implied when a defendant ‘(1) juxtaposes a series of facts so as to imply a defamatory connection between them, or (2) creates a defamatory implication by omitting facts, [such that] he may be held responsible for the defamatory implication’” *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 827 (Iowa 2007); *quoted by Id.* Simply put, “if the defendant juxtaposes a series of facts so as to imply a defamatory connection between them, or creates a defamatory implication by omitting facts, he may be held responsible for the defamatory implication, . . . even though the particular facts are correct.” *Jews For Jesus, Inc.*, 997 So. 2d at 1108 (citing W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 116, at 117 (5th ed. Supp.1988)).

In the instant case, even where you relied on third-party content, reposted media coverage, or used qualifying language, the overall narrative you created conveyed false and defamatory meanings about Ms. Franze to an ordinary reader. Through repeated references to stalking, obsession, fixation, and mental instability, you implied that Ms. Franze engaged in a pattern of ongoing harassment. That implication is false.

The incident at issue was a single, isolated event. Stalking, by its very nature, suggests repeated or continuing contact, yet you consistently framed the situation as involving fixation, pursuit, and ongoing behavior rather than an isolated instance that was promptly investigated and dismissed. By repeatedly highlighting stalking charges without clarifying that there was no probable cause and that the charges were dropped, you implied that Ms. Franze had engaged in criminal conduct consistent with the common understanding of stalking. A reasonable viewer would conclude that the arrest reflected a sustained course of misconduct rather than a baseless accusation that law enforcement declined to pursue.

Your republication of mugshots, arrest details, and media stories—particularly after the charges were dismissed—further reinforced the false impression of ongoing criminality. The continued exposure suggested that Ms. Franze remained a danger or threat, despite the absence of any repeated or continuing contact.

This false implication was compounded by your reposting of third-party TikTok content describing Ms. Franze as a “crazy, obsessive, narcissistic ex.” By sharing and endorsing that characterization, you adopted and republished the assertion that Ms. Franze was engaged in repeated, obsessive behavior toward her former partner. That portrayal directly contradicted the reality of a single alleged incident and invited viewers to believe that Ms. Franze habitually engages in harassing or unstable conduct.

Your framing also encouraged viewers to connect these implications to Ms. Franze’s professional life. By pairing allegations of stalking and obsession with repeated identification of her employer and profession, you implied that she posed an ongoing risk inconsistent with

the standards of her position. That implication was both false and foreseeable.

Defamation by implication does not require you to fabricate every detail. It arises from the cumulative effect of what you emphasized, what you omitted, and how you framed the events. By repeatedly invoking stalking terminology, reposting content suggesting obsession and ongoing misconduct, and continuing to publish arrest-related material after the charges were dropped, you conveyed a false narrative that Ms. Franze engaged in repeated, dangerous, and predatory behavior. That narrative was untrue, misleading, and damaging.

Cease-and-Desist and Take-Down Demand

Accordingly, Ms. Franze demands that you *immediately*:

1. **TAKE DOWN and REMOVE** the above-referenced statements from Facebook, Instagram, and TikTok, plus any and all existing reposts, comments, or images that name, depict, or refer to Ms. Franze that you have published or caused to be published, from any and all Internet websites, including but not limited to Facebook, Instagram, TikTok, and other forums; and
2. **CEASE and DESIST** uttering, writing, or relaying any and all negative, derogatory, or defamatory statements about Ms. Franze, either directly or indirectly, whether in writing or spoken, including but not limited to comments in emails, social networking sites, instant messages, blogs, text messages, etc.

Ms. Franze makes these demands as a matter of right without waiving her right to file a lawsuit against you at a later date. If you fail to immediately adhere to these demands, she may promptly file suit for immediate injunctive relief as well as damages.

We recommend that you consult with an attorney regarding this matter. If you are represented by an attorney, please forward a copy of this letter to same and have him or her notify us of such representation.

Thank you, in advance, for your prompt attention to this matter. If you have any questions regarding this letter, please feel free to contact my office at 407-965-5519.

Please conduct yourself accordingly.

Sincerely,

Cynthia Conlin, Esq.

Enclosure(s): none

cc: File; Client (electronically)